DPI/631

NAMIBIA: A Unique UN Responsibility

PROPERTY OF
PRINCETON UNIVERSITY
LIBRARY

JAN 10 1990

UNITED NATIONS
COLLECTION

Highlights of United Nations Action in Support of Freedom and Independence for Namibia

United Nations

Namibia, a vast territory in the south-western part of Africa, has been under the direct responsibility of the United Nations since 1966, when the General Assembly terminated South Africa's League of Nations Mandate, declaring that South Africa had failed to fulfil its obligations under the Mandate and to ensure the moral and material well-being of the people of the territory.

INTRODUCTION

Namibia is a vast territory in the south-western part of the continent of Africa, bordered by the Atlantic Ocean on the west, by Angola on the north, by Zambia on the north-east, by Botswana on the east and by South Africa on the south. Namibia covers an area of 824,269 square kilometres (318,261 square miles) and has a population of approximately 1.5 million.

The principal physical features of the territory are the extensive desert areas and the low over-all rainfall. There are two deserts: the largest, the Namib, stretches all along the coast and is 80-120 km. wide; the other, the Kalahari, is in the northern and eastern part of the country, along the border with Botswana.

Average rainfall throughout Namibia is between 200 and 400 mm. annually.

Historical background

Namibia has a long history of colonial occupation and oppression. The Territory of South West Africa, as it was then called, was occupied by Germany between 1884 and 1890. Prior to that time, the Africans lived in all the habitable areas of the territory.

South West Africa was Germany's only colony regarded as suitable for white immigration, and from the very beginning it became German policy to encourage white settlement in the lands previously owned by the African inhabitants.

The take-over of the rich lands in the plateau hardveld, which extends roughly through the centre and south of the country between the Namib and the Kalahari deserts, met with fierce resistance on the part of the African people and led to the rebellions of 1904-1907 which were savagely crushed by the German colonial army.

When, in 1920, following Germany's defeat in the First World War, South West Africa became a League of Nations Mandate under South African administration, it might have seemed to the Africans that the time had come for the recovery of their lands. They had been encouraged in this belief by the Allied denunciations of the German colonial system, as well as by frequent promises made by the Governor-General of the then Union of South Africa, Lord Buxton.

But the South African conquest, if anything, made their resistance and survival even more difficult. Although the "well-being and development" of the people formed, in the paternalistic words of article 22 of the Covenant, "a sacred trust of civilization" and although, under the terms of the Mandate, the mandatory Power was to promote to the utmost the material and moral well-being of the inhabitants, the South African Government did not return the lands to the indigenous owners but, in fact, proceeded to allocate new farms to white settlers. By 1928, the white population had increased to 28,000, double the 1915 figure, despite the repatriation of some 6,000 Germans.

The Africans were thus forcibly restricted to reservations, mostly in the poor agricultural land in the north or in the sandvelds of the Kalahari, or to "urban locations" near centres of industry where they were normally permitted to stay only for purposes of employment.

The South African administration retained the German division of the territory into a northern sector, comprising less than one third of the territory, and a Police Zone for European settlement, comprising most of the rich mining and farming region of the central plateau.

In 1925, in order to enable the white population to manage their own affairs, the Government of South Africa set up a government and a legislative assembly in the territory, reserving for itself full and overriding legislative and administrative authority in all matters. In addition, certain subjects, including "native affairs" and the "administration of native reserves", were kept under the direct control of South Africa. In effect, therefore, all aspects of African life were indirectly controlled by South Africa.

The United Nations and Namibia

When the United Nations was founded in 1945, one of the principles to which Member States pledged themselves (including South Africa, one of the 51 States which signed the Charter of the United Nations on 26 June 1945) was set forth in Chapter XI of the Charter, containing the Declaration regarding Non-Self-Governing Territories. In that chapter, Article 73 states that:

"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost . . . the well-being of the inhabitants of these territories . . ."

To this end, States Members of the United Nations pledged:

"a. to ensure, with due respect for the culture of the peoples [of the territories] concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

"b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions . . .;

"c. to further international peace and security;

"d. to promote constructive measures of development, to encourage research, and to co-operate with one another and . . . with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

"e. to transmit regularly to the Secretary-General . . . statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible. . ."

Chapter XI of the Charter applies to *all* non-self-governing territories. Under Chapter XII, the United Nations established "under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements". The International Trusteeship System applied to: territories held under League of Nations Mandates established after the First World War; territories detached from enemy States as a result of the Second World War; and territories voluntarily placed under the system by States responsible for their administration.

In 1946, five States administering non-self-governing territories submitted trusteeship agreements to the General Assembly for the eight territories under their administration. The Assembly approved the agreements and constituted the Trusteeship Council as one of the principal organs of the United Nations. (Subsequently, three more territories were placed under the Trusteeship System, bringing the total number of trust territories to 11; today, all have acceded to independence except the Trust Territory of the Pacific Islands.)

The Assembly also established a special committee to examine information submitted by Member States, under Article 73, on non-self-governing territories under their administration.

In the same year, the Assembly recommended that South West Africa be placed under the Trusteeship System, and it invited the then Union of South Africa to propose a trusteeship agreement for the territory. (South Africa had asked the Assembly to approve its incorporation of the territory into the Union, stating that such was the wish of the majority of the inhabitants. The Assembly, however, had rejected that proposal.)

The following year, 1947, South Africa informed the United Nations that it had decided not to proceed with the incorporation of South West Africa into the Union but would maintain the *status quo*, continue to administer the territory in the spirit of the Mandate and submit reports on its administration of the territory for the information of the United Nations. (One such report, for 1946, was submitted in 1947 and was examined by the Trusteeship Council.) The General Assembly again urged South Africa to propose, for the Assembly's consideration, a trusteeship agreement for the territory.

In 1949, South Africa, now under National Party rule, informed the United Nations that it would no longer transmit information on its administration of the territory on the grounds, *inter alia*, that the Mandate had lapsed with the demise of the League.

The International Court of Justice, in an advisory opinion handed down in 1950 in response to a request of the General Assembly, found that South West Africa was still a territory under international mandate and that South Africa continued to have international obligations under the League of Nations Covenant and Mandate, including the obligation to submit reports on, and transmit petitions from, the territory. The Court further declared that the supervisory functions of the League were to be exercised by the United Nations, that the General Assembly was the organ legally qualified to exercise those functions previously entrusted to the Council of the League and that South Africa was bound to submit to the supervision and control of the Assembly. South Africa refused to accept the Court's opinion and continued to oppose any form of United Nations supervision over the territory's affairs.

There followed a 15-year period in which the General Assembly, through various committees it established and by other means, sought by negotiations to reach agreement with South Africa on the implementation of the 1950 advisory opinion, but without success: South Africa refused to co-operate with the United Nations or to negotiate in good faith. Instead, it proceeded to govern the territory as its *de facto* fifth province. Thus, in 1951 the territory was given representation in the all-white South African Parliament; up to November 1977, when this representation was abolished by South African proclamation, all the South West Africa members of the South African Parliament belonged to the South West Africa section of South Africa's ruling National Party. In 1955, the South African Government took over directly, through its Department of Bantu Administration and Development, the administration of native affairs and began effectively to implement its policy of *apartheid*.

In 1959, the General Assembly drew the attention of Member States to the conclusions of its Committee on South West Africa covering the legal action open to them to refer any dispute with South Africa concerning the interpretation or application of the Mandate to the International Court of Justice.

On 4 November 1960, two Member States, Ethiopia and Liberia, both former members of the League of Nations, instituted contentious proceedings in the International Court of Justice against South Africa, charging that it had violated its obligations under the Mandate and that hence the mandatory authority was subject to the supervision of the United Nations. South Africa's objections to the Court's jurisdiction in the matter were rejected by the Court in 1962, and it continued its proceedings on the merits of the case. On 18 July 1966, the Court, by the President's casting vote, the votes being equally divided, found that Ethiopia and Liberia could not be considered to have established any legal right or interest appertaining to them in the subject matter of their claims and accordingly decided to reject them.

In the meantime, in October 1961, following hearings in Africa on the situation in the territory, the General Assembly's Committee on South West Africa recommended to the Assembly that, in the light of South Africa's refusal to modify its policies in the territory, its administration of the territory should be terminated and an immediate United Nations presence be instituted with a view to the ultimate independence of the territory.

In May 1962, the Chairman and Vice-Chairman of the Special Committee for South West Africa, which had replaced the Committee on South West Africa in 1961, visited South Africa and South West Africa in response to an invitation of the South African Government. Reporting to the Committee on their discussions with representatives of the Government in Pretoria and their meetings with representative groups of the African, Coloured and European population in South West Africa, the Chairman and Vice-Chairman concluded that it was the overwhelming desire of the African population that the United Nations should assume direct administration of the territory and take all preparatory steps to grant freedom to the indigenous population; they further concluded that there seemed to be no way of carrying out the tasks assigned to the Committee "short of the use of force or other compulsive measures within the purview of the Charter".

In December 1962, the General Assembly decided to assign the functions of the Special Committee for South West Africa to the Special Committee of 24, which had been established following the Assembly's adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Assembly also requested the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South West Africa and to take all necessary steps to establish an effective United Nations presence in the territory. In 1964, however, South Africa informed the Secretary-General that it had come to the conclusion that it would be neither necessary nor desirable to make use of any outside expert advice which might be offered by the United Nations.

In the same year, the South African Government endorsed in principle the recommendations made by its Odendaal Commission of Enquiry into South West African Affairs for the establishment of separate non-white "homelands" in the territory on a tribal or ethnic basis, and a separate white area. The Special Committee called on South Africa to desist from implementing the Commission's recommendations, which it noted would result in the partition and disintegration of South West Africa and its absorption into South Africa.

In 1965, the General Assembly declared that any attempt to partition the territory, or to take any unilateral action, directly or indirectly, preparatory thereto, constituted a violation of the Mandate for South West Africa and of the Declaration on the Granting of Independence to Colonial Countries and Peoples; the Assembly considered that any attempt to annex a part or the whole of the territory would constitute an act of aggression.

In 1966, following the negative results of the contentious proceedings instituted against South Africa by Ethiopia and Liberia in the International Court, and as an expression of outrage and concern over South Africa's decision to implement the recommendations of the Odendaal Commission, the General Assembly decided to terminate South Africa's Mandate over South West Africa and to place the territory under the direct responsibility of the United Nations.

In a resolution adopted on 27 October 1966, the Assembly declared that South Africa had failed to fulfil its obligations under the League of Nations Mandate and to ensure the moral and material well-being of the people and that it had, in fact, disavowed the Mandate; and it decided that South Africa's Mandate was therefore terminated, that South Africa had no other right to administer the territory and that henceforth South West Africa came under the direct responsibility of the United Nations. The following year, the Assembly established an 11-member Council for South West Africa (renamed the United Nations Council for Namibia in 1968) to administer the territory until independence "with the maximum possible participation of the people of the territory".

South Africa continued to defy all United Nations decisions—not only the Assembly's 1966 decision terminating the Mandate but also all other decisions, including Security Council resolution 276 (1970) of 30 January 1970, which declared that the continued presence of the South African authorities in Namibia was illegal and that all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate were illegal and invalid; and the 21 June 1971 advisory opinion of the International Court of Justice which declared, among other things, that "the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the territory".

Instead, South Africa continued its "bantustanization" of the territory following the pattern of the "homelands" it was concurrently establishing in South Africa under its policy of *apartheid;* its systematic exploitation of the labour and resources of the territory; and its ruthless repression of the struggle of the Namibian people for their right to self-determination.

In implementation of the Odendaal Plan, the illegal South African administration divided the territory into "white" and "non-white" areas. Forty per cent of the territory was partitioned into 11 separate "homelands" or "bantustans" for Africans, who make up 90 per cent of the population; 43 per cent was given, as before, to white settlers; and the South African authorities took over direct control of the remaining area. The "white area" became, in effect another South African province, and South Africa retained firm control over the rest of the dismembered territory—with final authority over the "homelands" set aside for the non-whites. In other words, 60 per cent of the territory was reserved for the approximately 10 per cent of the population that is white, or was brought under the direct control of the illegal South African administration.

The "white area" comprised some 50.6 million hectares of farming and government land, townships, diamond areas, and nature and game parks and, most importantly, contained virtually all the territory's rich natural resources—diamonds, uranium and base metals such as cadmium, copper, lead, tin and zinc—as well as most of the commercially active agricultural and fishing sectors. It also included Walvis Bay, the country's only deep-water port and its chief commercial centre.

South Africa continued, as it had for decades, to exploit these resources and to export them from the country, using African labour from the "homelands" or from segregated towns near centres of industry to work in the mines, on the farms and in the factories.

SWAPO and the liberation struggle

When, in 1966, the people of Namibia began the struggle to liberate themselves from South Africa's illegal occupation of their country, its fragmentation of their land into "bantustans", and its depletion of their natural resources and exploitation of their labour, South Africa responded with ruthless measures of repression that have been repeatedly condemned by the United Nations, beginning with the illegal arrest, deportation and trial in Pretoria of 37 South West Africans in 1967 and the imprisonment in 1968 of Herman Toivo, the founder of the South West Africa People's Organization (SWAPO), the movement that is recognized by the United Nations and the Organization of African Unity as the sole and authentic representative of the Namibian people.

Through its extension to Namibia of South African *apartheid* legislation, including the Terrorism Act of 1967 and the Internal Security Amendment Act of 1976, which amended the Suppression of Communism Act; through its proclamation of three "homelands"—Ovamboland, Kavangoland and East Caprivi—as security districts in 1976, in effect placing 50 per cent of Namibia's population under martial law; and through its military build-up in the territory, South Africa was able to maintain its illegal hold over Namibia.

But in the face of the widening liberation struggle of the military arm of SWAPO, the People's Liberation Army of Namibia (PLAN), and of increased international pressure, on the one hand, and further isolation, on the other, as a result of the decolonization and accession to independence of Angola and Mozambique, South Africa sought to deflate international criticism by organizing a so-called constitutional conference.

This "constitutional conference", which was controlled by the white minority in Namibia and which barred non-white political parties, including SWAPO, was denounced by the General Assembly in 1975 as a manoeuvre by South Africa to consolidate its illegal occupation of the territory by creating divisions among the population. The Assembly called for free national elections to be held in Namibia "as a matter of urgency" under the direct supervision and control of the United Nations.

In a resolution adopted on 30 January 1976, the Security Council declared that "in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity". The Council also declared that, in determining the date, time-table and modalities for such elections, the United Nations should be given adequate time "to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections".

This resolution of the Security Council (resolution 385 (1976)) formed the basis for subsequent negotiations to bring about a settlement of the Namibian question, and it remains the basic position of the United Nations with regard to the question—namely, that the people of Namibia, all the people of Namibia, have the right to freedom and independence in a sovereign State whose government has been chosen by them in free and democratic elections.

United Nations efforts—since 1966, when it assumed responsibility for the territory—to assist the people of Namibia to achieve this goal are highlighted in the pages which follow.

The General Assembly of the United Nations, which meets annually at Headquarters in New York, has been concerned with the question of Namibia since its first session, in 1946, when it recommended that South Africa relinquish its administration and place the territory under the international trusteeship system established by the Charter. Two decades later, in the face of South Africa's continued refusal to fulfil its international obligations, the Assembly terminated South Africa's Mandate over the territory and assumed direct responsibility for it.

Highlights of United Nations Action in Support of Freedom and Independence for Namibia

1966

27 October 1966. The General Assembly, in a resolution adopted by an overwhelming vote of 114 in favour to 2 against, with 3 abstentions [resolution 2145 (XXI)], reaffirmed that the people of South West Africa had the inalienable right to self-determination, freedom and independence in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and that the territory had an international status which it would maintain until it achieved independence.

The Assembly declared that South Africa had failed to fulfil its obligations under the League of Nations Mandate and to ensure the moral and material well-being and security of the people and that it had, in fact, disavowed the Mandate; and it decided that South Africa's Mandate was therefore terminated, that South Africa had no other right to administer the territory and that henceforth South West Africa came under the direct responsibility of the United Nations.

Resolving that the United Nations must discharge its responsibility with respect to South West Africa, the Assembly established a 14-member *Ad Hoc* Committee for South West Africa to recommend practical means by which the territory should be administered, so as to enable the people to exercise the right of self-determination and to achieve independence. The *Ad Hoc* Committee was asked to report to a special session of the General Assembly no later than April 1967.

19 May 1967. The General Assembly, at its fifth special session, convened for the purpose of discussing the question of South West Africa, considered the report of its *Ad Hoc* Committee and decided [by resolution 2248 (S-V)] to set up an 11-member United Nations Council for South West Africa to administer the territory until independence, with the maximum possible participation of the people of the territory. It decided that the Council should be based in South West Africa and should proceed there and enter immediately into contact with the South African authorities in order to lay down procedures for the orderly transfer of the territory, including the withdrawal of South African military forces, police and other personnel and their replacement by personnel operating under the authority of the Council. The Assembly called upon the South African Government to comply without delay with its resolution and to facilitate the transfer of the territory, and it requested the Security Council to take all appropriate measures to enable the Council for South West Africa to discharge its functions.

The Assembly also decided that the administrative and executive functions of the Council should be carried out by a United Nations Commissioner for South West Africa, to be appointed by the Assembly on the recommendation of the Secretary-General, and that the Council should report to the Assembly at intervals not exceeding three months. With respect to independence for the territory, the Assembly decided that the date of independence should be fixed in accordance with the wishes of the people and that the Council should do all in its power to enable independence to be obtained by June 1968.

16 December 1967. The General Assembly noted with appreciation the efforts of the United Nations Council for South West Africa to discharge the responsibilities and functions entrusted to it and condemned the refusal of the South African Government to comply with the Assembly's resolutions of 27 October 1966 and 19 May 1967. It declared that the continued presence of South African authorities in South West Africa was a flagrant violation of its territorial integrity and international status, and it called upon South Africa to withdraw from the territory, unconditionally and without delay, all its military and police forces and its administration, to release all political prisoners and to allow all political refugees who were natives of the territory to return to it.

The Assembly urgently appealed to all Member States, particularly the main trading partners of South Africa and those with economic and other interests in South Africa and South West Africa, to take effective economic and other measures to ensure the immediate withdrawal of the South African administration from the territory [resolution 2325 (XXII)].

In another decision, the Assembly condemned the illegal arrest, deportation and trial in Pretoria of 37 South West Africans as a flagrant violation by South Africa of their rights, of the international status of the territory and of the Assembly's resolution of 27 October 1966, and called upon South Africa to discontinue forthwith the illegal trial and release and repatriate the South West Africans concerned. It drew the attention of the Security Council to the question [resolution 2324 (XXII)].

25 January 1968. The Security Council [by resolution 245 (1968)] unanimously condemned the refusal of the South African Government to comply with the General Assembly's decision of 16 December 1967, regarding the illegal trial in Pretoria of 37 South West Africans, and called upon South Africa to discontinue the trial forthwith and release and repatriate the South West Africans concerned. The trial, the Council said, was being held under arbitrary laws whose application had been illegally extended by South Africa to the territory, in defiance of General Assemly resolutions.

14 March 1968. The Security Council unanimously censured the Government of South Africa for its flagrant defiance of the Council's resolution of 25 January 1968, as well as of the authority of the United Nations, and demanded that it release and repatriate forthwith the South West Africans who had been tried and sentenced in Pretoria [resolution 246 (1968)].

12 June 1968. The General Assembly [by resolution 2372 (XXII)] proclaimed that, in accordance with the desires of its people, South West Africa would henceforth be known as Namibia, and decided that the United Nations Council for South West Africa should be called the United Nations Council for Namibia.

The Assembly condemned the Government of South Africa for its persistent refusal to comply with the resolutions of the United Nations, its obstruction of the efforts of the Council for Namibia to proceed to the territory and its actions designed to consolidate its illegal control over the territory and to destroy its unity and territorial integrity.

The Assembly also condemned the actions of those States which, by their continued political, military and economic collaboration with the Government of South Africa had encouraged it in its defiance and obstruction. It called upon all States to desist from those dealings with the South African Government which would have the effect of perpetuating its illegal occupation of the territory, to take effective economic and other measures to obtain the immediate withdrawal of the South African administration, and to provide moral and material support to the Namibian people in their struggle and assist the United Nations Council for Namibia in the discharge of its mandate.

The Assembly decided that the United Nations Council for Namibia should give priority to establishing a coordinated emergency programme of technical and financial assistance to Namibians, organizing a training pro-

gramme for Namibians and continuing its consultations on the question of issuing travel documents to Namibians.

Considering that the continued foreign occupation of Namibia by South Africa, in defiance of United Nations resolutions and of the territory's international status, constituted a grave threat to international peace and security, the Assembly reiterated its demand for the immediate and unconditional withdrawal of South Africa and recommended that the Security Countil take measures to ensure the removal of the South African presence and to secure the independence of Namibia.

16 December 1968. The General Assembly reaffirmed the inalienable right of the people of Namibia to self-determination and independence and the legitimacy of their struggle against the foreign occupation of their country, and reiterated its condemnation of the Government of South Africa for its persistent defiance of the authority and resolutions of the United Nations, for its refusal to withdraw from Namibia and for its policy and actions designed to destroy the national unity and territorial integrity of Namibia. The Assembly decided to draw the attention of the Security Council to the serious situation which had arisen as a result of the illegal presence and actions of the South African Government and recommended that the Council urgently take all effective measures under the Charter to ensure the immediate withdrawal of South African authorities from Namibia [resolution 2403 (XXIII)].

1969

20 March 1969. The Security Council [by resolution 264 (1969)] declared that it considered the continued presence of South Africa in Namibia illegal and contrary to the principles of the Charter and to United Nations decisions, and detrimental to the interests of the population of the territory. It called upon the Government of South Africa to withdraw immediately its administration from the territory.

South Africa's actions, the Council declared, designed to destroy the national unity and territorial integrity of Namibia through the establishment of "bantustans", were contrary to the Charter, and South Africa had no right to enact the "South West Africa Affairs Bill", in violation of General Assembly resolutions. The Council condemned South Africa's refusal to comply with its resolutions and those of the Assembly. It called upon all States to exert their influence to obtain South Africa's compliance, and decided that, in the event of South Africa's failure to comply, it would meet immediately to determine upon necessary steps or measures in accordance with the Charter of the United Nations.

12 August 1969. The Security Council [by resolution 269 (1969)] recognized the legitimacy of the struggle of the Namibian people against the illegal presence of the South African authorities in Namibia and decided that the continued occupation of the territory by South African authorities constituted an aggressive encroachment on the authority of the United Nations and a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia.

The Council called upon South Africa to withdraw its administration from the territory immediately and called upon all States to refrain from all dealing with the Government of South Africa purporting to act on behalf of Namibia. It also requested all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation.

3 October 1969. In a report to the Security Council on the implementation of its resolution of 12 August, the Secretary-General included a reply from the South African Government in which it declared its intention not to withdraw from the territory.

31 October 1969. The General Assembly condemned the Government of South Africa for its persistent refusal to withdraw its administration from Namibia and, in particular, for its defiance of the Security Council's resolution of 12 August 1969 calling for its withdrawal before 4 October 1969, and drew the attention of the Security Council to the deteriorating situation which had arisen as a result of the refusal of the South African authorities to comply with the Council's resolution [resolution 2498 (XXIV)].

1 December 1969. The General Assembly expressed solidarity with the people of Namibia in their legitimate struggle against foreign occupation, and requested all States to provide increased moral and material assistance to them. It again condemned the Government of South Africa for its persistent refusal to withdraw its administration from the territory and for its policies and actions designed to destroy the national unity and territorial integrity of Namibia, thus persistently violating the principles and obligations of the Charter.

The Assembly drew the attention of the Security Council to the need for taking measures in accordance with the Charter to solve the grave situation that had arisen as a result of South Africa's refusal to withdraw its administration from Namibia [resolution 2517 (XXIV)].

1970

30 January 1970. The Security Council [by resolution 276 (1970)] declared that the continued presence of the South African authorities in Namibia was illegal; that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate were illegal and invalid; and that South Africa's defiant attitude towards the Council's decisions undermined the authority of the United Nations.

The Council considered that the continued occupation of Namibia by the South African Government, in defiance of the relevant United Nations resolutions and of the Charter, had grave consequences for the rights and inter-

The fifteen-member Security Council has been considering the question of Namibia since 1968. In 1970 the Council declared that the continued presence of the South African authorities in Namibia was illegal, and in 1974 it called unanimously for South Africa's withdrawal from Namibia. In 1976 the Council unanimously declared "in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity".

he people of Namibia. It called upon all States, rly those which had economic and other interests ia, to refrain from any dealings with South Africa n behalf of or concerning Namibia.

ecided to establish an *Ad Hoc* Sub-Committee ed of all the members of the Council) to study d means by which the Council's resolutions could tively implemented, in the light of South Africa's refusal to withdraw from Namibia.

1970. After considering the report and recommen- of its *Ad Hoc* Sub-Committee, the Security Coun- esolution 283 (1970)] requested all States to re- m any relations—diplomatic, consular or other- ith South Africa implying recognition of the au- f the Government of South Africa over Namibia.

It called upon all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they did not recognize any authority of South Africa with regard to Namibia and that they considered South Africa's continued presence in Namibia illegal; and to terminate existing diplomatic and consular representation as far as they extended to Namibia and withdraw any diplomatic or consular mission or representative residing in the territory.

The Council also called upon all States:

—to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

—to withhold from their nationals, or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

—to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

—to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

—to discourage the promotion of tourism and emigration to Namibia.

The Council requested all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as those treaties contained provisions which applied to Namibia.

The Council requested the General Assembly to set up a United Nations Fund for Namibia to provide assistance to Namibians who had suffered from persecution, and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the territory.

In another decision [resolution 284 (1970)], the Council decided to submit to the International Court of Justice the following question, with the request for an advisory opinion:

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970) [of 30 January 1970]?"

9 December 1970. The General Assembly again condemned the Government of South Africa for its persistent refusal to comply with the decisions of the Security Council and the Assembly and to withdraw from the territory; for extending to the territory the internationally condemned policies of *apartheid;* and for its policies aimed at destroying the unity of the people and the territorial integrity of Namibia through the creation of the so-called separate "homelands".

The Assembly also condemned the support given to South Africa in the pursuit of its repressive policies in Namibia by South Africa's allies, particularly its major trading partners and financial, economic and other interests operating in the territory, and called upon the Governments concerned to cease immediately any assistance to, and co-operation with, South Africa.

The Assembly reaffirmed its solidarity with the people of Namibia in their legitimate struggle against foreign occupation and called upon all States, in consultation with the Organization of African Unity, to provide increased moral and material assistance to the Namibian people in their struggle.

The Assembly called upon the Government of South Africa to treat the Namibian people captured during their struggle for freedom as prisoners of war in accordance with the 1949 Geneva Convention relative to the Treatment of Prisoners of War, and to comply with the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War [resolution 2678 (XXV)].

In another decision, the Assembly decided to establish a comprehensive United Nations Fund for Namibia, and requested the Secretary-General to make a detailed study on the development, planning, execution and administration of a comprehensive programme of assistance to Namibians in various fields [resolution 2679 (XXV)].

1971

21 June 1971. In its advisory opinion, requested by the Security Council on 29 July 1970, the International Court of Justice held:

"(1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the territory;

"(2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

"(3) that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia."

20 October 1971. The Security Council [by resolution 301 (1971)] agreed with the International Court's advisory opinion and called once again upon South Africa to withdraw from Namibia, declaring that any further refusal of South Africa to withdraw could create conditions detrimental to the maintenance of peace and security in the region.

The Council called upon all States, in the discharge of their responsibilities towards the people of Namibia:

—to abstain from entering into treaty relations with South Africa in all cases in which the South African Government purported to act on behalf of or concerning Namibia;

—to abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involved active intergovernmental co-operation;

—to review their bilateral treaties with South Africa in order to ensure that they were not inconsistent with the Court's advisory opinion;

—to abstain from sending diplomatic or special mis-

sions to South Africa that included Namibia in their jurisdiction;

—to abstain from sending consular agents to Namibia and to withdraw any such agents already there; and

—to abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which might entrench its authority over the territory.

The Council declared that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of the General Assembly's resolution of 27 October 1966 were not subject to protection or espousal by their States against claims of a future lawful Government of Namibia.

20 December 1971. The General Assembly welcomed the advisory opinion of the International Court of Justice and called upon all States: to respect strictly that opinion and the resolutions of the Security Council and the Assembly; to refrain from all direct or indirect relations, economic or otherwise, with South Africa, where those relations concerned Namibia; not to recognize as legally valid any rights or interests in Namibian property or resources purportedly acquired from the South African Government after 27 October 1966; and to take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from Namibia.

The Assembly again condemned the Government of South Africa for its continued refusal to end its illegal occupation and administration of Namibia and to comply with the resolutions of the Security Council and the Assembly; for its continued extension to the territory of the policies of *apartheid;* and for its policies aimed at destroying the unity of the people and the territorial integrity of Namibia through the establishment of separate "homelands" based on racial and tribal distinctions. It deplored any support given by any State to South Africa, and by any financial, economic and other interests operating in

In an advisory opinion handed down in 1971 at the request of the Security Council, the international Court of Justice, which sits at The Hague, stated that, "the continued presence of South Africa being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the territory".

Namibia, which enabled South Africa to pursue its repressive policies in the territory, and called for the termination of all such support.

The Assembly called once again upon South Africa to observe the 1949 Geneva Conventions relating to the treatment of prisoners of war and to the protection of civilian persons in time of war.

It requested all States and the specialized agencies and other organizations within the United Nations system, in co-operation with the Organization of African Unity, to give the Namibian people all moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence, and to work out, in co-operation with the Council for Namibia and the OAU, concrete programmes of assistance to Namibia [resolution 2871 (XXVI)].

In another resolution [2872 (XXVI)], the Assembly reaffirmed its decision of 9 December 1970 to establish a United Nations Fund for Namibia for the purpose of putting into effect a comprehensive programme of assistance to Namibians, and appealed to Governments for voluntary contributions to the Fund.

1972

4 February 1972. At the close of its meetings in Addis Ababa, Ethiopia, held from 28 January to 4 February and devoted entirely to African problems, the Security Council adopted two resolutions on Namibia.

In one [resolution 309 (1970)], the Council, without prejudice to other resolutions it had adopted on the question of Namibia, invited the Secretary-General "to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations". It called upon the Government of South Africa to co-operate fully with the Secretary-General in implementing the resolution.

In the second resolution [310 (1970)], the Council expressed grave concern over the situation in Namibia and the repressive measures of the South African Government following the strike of the African contract labourers of the country and the widespread and increasing manifestations of African resistance to the illegal occupation of the territory by South Africa. The Council strongly condemned the recent repressive measures against the African labourers in Namibia and called upon South Africa to end immediately those repressive measures and abolish any labour system which might be in conflict with the basic provisions of the Universal Declaration of Human Rights. It called upon all States whose nationals and corporations were operating in Namibia to use all available means to ensure that such nationals and corporations conformed, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration.

17 July 1972. The Secretary-General submitted to the Security Council a report on the contacts initiated by him, under the Council's 4 February 1972 resolution. He stated that he had visited South Africa and Namibia between 6 and 10 March and had held discussions with the South African Prime Minister and Foreign Minister on all aspects of the Namibia question. He had also consulted with other parties concerned, including: individuals and groups in Namibia calling for a united, independent Namibia; groups in Namibia, supporting self-government for the "homelands" and opposing a unitary state; the European Executive Committee of South West Africa; and Namibian leaders outside the territory who presented the views of the South West Africa People's Organization and the South West Africa National United Front. On the basis of his discussions with the Government of South Africa, the Secretary-General concluded that he believed that it would be worth-while to continue the efforts to implement the Security Council's mandate.

1 August 1972. The Security Council, after considering the report of the Secretary-General, invited him to continue his contacts with all parties concerned [resolution 319 (1972)].

15 November 1972. In his report to the Council, the Secretary-General said that his representative had visited South Africa and Namibia from 8 October to 3 November and had held discussions with the South African Government which centred around the questions of clarification of South Africa's policy of self-determination and independence for Namibia, discontinuance of the application of the policy of separate development or "homelands", and the abolition of all discriminatory measures and the establishment of equity for all Namibians.

The South African Prime Minister had expressed the view that it was not the appropriate stage to go into a detailed discussion of his Government's policy of self-determination and independence with regard to Namibia and that that could be done with better results once the necessary conditions had been established and the inhabitants had had more administrative and political experience; such experience, the Prime Minister felt, could be best achieved on a regional basis. The Prime Minister also indicated that he was prepared to establish an advisory council, composed of representatives from various regions, that he was willing to assume over-all responsibility of the territory as a whole, and that he would examine the possibility of removing restrictions on political activity and freedom of movement, subject to the requirements of influx control.

The Secretary-General's representative, in his report, stressed that many issues regarding South Africa's interpretation of self-determination and independence for Namibia still remained to be clarified, and he gave an account of the views expressed to him by representatives of political organizations and other groups and individuals in Namibia, the majority of whom supported the establishment of a united, independent Namibia. Taking all factors

into consideration, he felt that the contacts between the Secretary-General and the South African Government, as well as the other parties concerned, should be continued.

6 December 1972. After again considering the report of the Secretary-General, the Security Council observed with satisfaction that the people of Namibia had again had an opportunity of expressing their aspirations clearly and unequivocally, in their own territory, to representatives of the United Nations, and it noted with interest that the overwhelming majority of the opinions of those consulted by the Secretary-General's representative had categorically stated that they were in favour of the immediate abolition of the "homelands" policy, withdrawal of the South African administration from the territory, Namibia's accession to independence and the preservation of its territorial integrity.

The Council expressed deep regret that there had been no complete and unequivocal clarification of the South African Government's policy regarding self-determination and independence for Namibia. It solemnly reaffirmed the inalienable and imprescriptible right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity, on which any solution for Namibia must be based, and rejected any interpretation, measure or policy to the contrary.

The Council invited the Secretary-General to continue his efforts on the basis of those principles, and it again called upon the South African Government to cooperate fully with the Secretary-General in order to bring about a peaceful transfer of power in Namibia [resolution 323 (1972)].

18 December 1972. The General Assembly again condemned the South African Government for its continued refusal to terminate its illegal occupation and administration of Namibia and to comply with United Nations resolutions on the question, and it again called upon South Africa to withdraw [resolution 3031 (XXVII)].

The Assembly also condemned South Africa for its continued efforts to destroy the unity of the people and the territorial integrity of Namibia through the establishment of separate "homelands" based on racial and tribal distinctions, including the eviction, displacement and transfer of the Namibian people to other areas, and for its continued extension to Namibia of the policies of *apartheid*.

Deeply deploring any support given to South Africa by any State, and by any financial, economic and other interests operating in Namibia, which enabled South Africa to pursue its repressive policies in the territory, and calling for the ending of such support, the Assembly called upon all States:

—to respect strictly United Nations resolutions concerning Namibia and to take fully into account the Court's 1971 advisory opinion;

—to refrain from all direct or indirect relations, economic or otherwise, with South Africa when it purported to represent Namibia;

—not to recognize as legally valid any rights or interests in Namibian property or resources purportedly acquired from the Government of South Africa after 27 October 1966; and

—to take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from Namibia.

1973

14 April 1973. The International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, organized by the United Nations in cooperation with the Organization of African Unity and held in Oslo, Norway, from 9-14 April, adopted proposals for concerted international efforts to hasten eradication of colonialism and *apartheid* in southern Africa.

With regard to Namibia, the Conference proposed that the international community should support the liberation struggle of the people of the territory and that the South West Africa People's Organization (SWAPO), the liberation movement of Namibia recognized by the OAU, should be accorded appropriate recognition as the authentic representative of the Namibian people. Accordingly, the Conference proposed, there should be an active commitment by all Governments, international organizations and national bodies to channel all aid for Namibia—financial, material or otherwise—through SWAPO.

The Conference also proposed that the United Nations should take steps for the implementation of its decisions to enable the United Nations Council for Namibia to act as the legal authority of the territory and to exercise those powers illegally exercised by South Africa pending the independence of Namibia.

It proposed that all Governments should immediately close their consulates in Namibia and that no contacts, dialogues or negotiations should be conducted with South Africa except to arrange for the immediate transfer of power in accordance with the General Assembly's resolution of 27 October 1966.

30 April 1973. In a report to the Security Council, the Secretary-General said that he had sought to obtain from the South African Government a more complete and unequivocal statement of its policy regarding self-determination and independence for Namibia.

In reply, the South African Foreign Minister had stressed that South Africa would fully respect the wishes of the whole population of the territory with regard to its future constitutional organization and that all political parties of the territory would have full and free participation in the process leading to self-determination and independence. The South African Foreign Minister had also stated that his Government did not envisage that individual population groups might suddenly become independent as separate entities. He stressed that his Government recognized and accepted, subject to the requirements of public safety, the need for freedom of speech and political activity in the process leading to self-

The United Nations Council for Namibia was established by the General Assembly in 1967—following the Assembly's termination of South Africa's Mandate over Namibia—to administer the territory and prepare its people for independence. The Council, now composed of thirty-one Member States, is the legal administering authority for Namibia. Among other things, it represents Namibia in international organizations and conferences, administers programmes of training and assistance to Namibians to prepare them for the future administration of their nation and undertakes diplomatic missions in support of the struggle of the Namibian people for freedom and independence.

determination; and it anticipated that it might not take longer than ten years for the people of the territory to reach the stage where they would be ready to exercise their right to self-determination.

The Secretary-General, in his report, concluded that the statement of the South African Government did not provide the complete and unequivocal clarification of South Africa's policy in regard to self-determination and independence for Namibia envisaged by the Council in its 1972 resolution. He said that, in the light of the results achieved so far, the question arose as to whether the contacts with South Africa should be continued.

14 June 1973. At a special session held in Lusaka, Zambia, from 12 to 14 June, the United Nations Council for Namibia adopted a policy statement which became known as the Lusaka Declaration. In it, the Council concluded that the time had come for the international community to recognize that South Africa's illegal occupation of Namibia could not continue without serious danger to international peace and security and that it was therefore incumbent on all the nations of the world to actively support the struggle of the people of Namibia for liberty and independence.

The Council enjoined those countries which were still giving political, military, economic and financial support, either directly or indirectly, to South Africa, to discontinue such aid and support immediately and to withdraw their consular offices from Namibia. The investment of foreign capital and the activities of transnational corporations in Namibia that were exploiting and exhausting the natural resources of the country, to the detriment of the rightful owners of those resources, must also be terminated.

The Council declared that it was determined to give all the support it could muster to the people of Namibia under the leadership of SWAPO, which was leading the legitimate armed struggle for the freedom and independence of Namibia.

26 August 1973. The United Nations Council for Namibia held the first commemorative meeting of Namibia Day, in recognition of the crucial role being played by the people of Namibia in the struggle for self-determination and independence and "as a reminder of the crucial time in August 1966 when the people of Namibia were forced to

begin their resistance against oppression and illegal occupation of their territory by South Africa".

11 December 1973. After considering the report of the Secretary-General, the Security Council [by resolution 342 (1973)] unanimously decided to discontinue further efforts on the basis of its resolution of 4 February 1972.

12 December 1973. The General Assembly [by resolution 3111 (XXVIII)] recognized the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), as the authentic representative of the Namibian people, and supported the efforts of the movement to strengthen national unity.

Noting the efforts of the Secretary-General to implement the Security Council's resolution of 4 February 1972, the Assembly deplored the obdurate refusal of the South African régime to comply with the resolutions of the United Nations, particularly its refusal to negotiate in good faith for the transfer of power in Namibia, and it considered that the contacts between the Secretary-General and the South African Government should be terminated as being detrimental to the interests of the Namibian people.

The Assembly called once again upon all States to refrain from all direct or indirect relations, economic or otherwise, with South Africa when it purported to act on behalf of or concerning Namibia, and it requested all States, the specialized agencies and other organizations within the United Nations system, as well as non-governmental organizations, to render to the Namibian people, in co-operation with the OAU, all moral and material assistance necessary to continue their struggle for freedom and independence, and to work out, in co-operation with the Council for Namibia and the OAU, concrete programmes of assistance to Namibia.

All specialized agencies and other organizations within the United Nations system were requested to take such necessary steps as would enable the Council for Namibia, as the legal authority for Namibia, to participate fully on behalf of Namibia in the work of those agencies and organizations.

[Namibia, as represented by the United Nations Council for Namibia, became an associate member of the World Health Organization in 1974; it was admitted to full membership of the Food and Agriculture Organization of the United Nations on 14 November 1977, of the International Labour Organisation on 23 June 1978 and of the United Nations Educational, Scientific and Cultural Organization on 30 October 1978.]

1974

27 September 1974. The United Nations Council for Namibia enacted a Decree for the Protection of the Natural Resources of Namibia, aimed at securing for the Namibians "adequate protection of the natural wealth and resources of the territory which is rightfully theirs". Under the Decree, no person or entity may search for, take or distribute any natural resources found in Namibia without the Council's permission, and any person or entity contravening the Decree may be held liable for damages by the future Government of an independent Namibia.

The Council also adopted a plan for the establishment of an Institute for Namibia to provide Namibians with the necessary education and training to strengthen their efforts in the struggle for freedom and to equip them for administering a free Namibia. The Institute was to be located in and operated from Lusaka, with the consent of the Zambian Government, "until South Africa's illegal occupation of Namibia is terminated", and was to be financed from the United Nations Fund for Namibia.

The Council also adopted guidelines for the utilization of the Fund for Namibia. It was to be used, the Council decided, for education and training, including the Institute and scholarships for Namibians; for social and medical assistance; for the legal defence of Namibians who were undergoing persecution and legal defence of Namibian interests, including the protection of its natural resources; and for the international assertion of Namibia's sovereignty and right to complete independence.

13 December 1974. The General Assembly [by resolution 3295 (XXIX)] reiterated that the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), was the authentic representative of the Namibian people, and it supported SWAPO's efforts to strengthen national unity. It also reaffirmed the legitimacy of the struggle of the Namibian people by all means at their disposal against the illegal occupation of their country by South Africa, and demanded the immediate and unconditional withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence.

The Assembly urged all States to take all possible economic or other measures with a view to compelling South Africa to withdraw immediately from Namibia, to refrain from supporting and financing any racially segregated activity in Namibia and to co-operate fully with the Council for Namibia in the discharge of its mandate and to render to the Namibian people, in co-operation with SWAPO, all moral and material assistance necessary for them to continue their struggle for freedom and independence.

All Member States were requested to take all appropriate measures to ensure the full application of, and compliance with, the provisions of the Decree for the Protection of the Natural Resources of Namibia enacted by the Council for Namibia on 27 September 1974, and such other measures as might be necessary to assist in the protection of the national resources of Namibia.

The Assembly reaffirmed the right of the Namibian people to permanent sovereignty over their natural resources and condemned the policies of those States which continued to support foreign economic and other interests engaged in exploiting the natural and human resources of Namibia, in some cases to the point of foreseeing the exhaustion of such natural resources.

All specialized agencies and other organizations within the United Nations system were requested to render

The right of the people of Namibia to freedom, self-determination and independence and to permanent sovereignty over their natural resources has been repeatedly reaffirmed by the United Nations.

all possible assistance to the people of Namibia and to their liberation movement in particular, and all intergovernmental and non-governmental organizations, bodies and conferences interested in the liberation of Namibia were invited to co-operate with SWAPO and the Council for Namibia in the elaboration of programmes of assistance to Namibians.

In a second resolution [3296 (XXIX)], the Assembly endorsed the decision of the Council for Namibia to establish an Institute for Namibia in Lusaka to enable Namibians to undertake research, training, planning and related activities, with special reference to the struggle for freedom of Namibia and the establishment of an independent State of Namibia, and it invited Governments to make adequate financial contributions to the Fund for Namibia to finance the cost of setting up and running the Institute.

17 December 1974. The Security Council unanimously condemned the continued illegal occupation of Namibia by South Africa and its illegal and arbitrary application of racially discriminatory and repressive laws and practices in Namibia. It demanded that South Africa make a solemn declaration to the Council that it would comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice and that it recognized the territorial integrity and unity of Namibia as a nation. It also demanded that South Africa take the necessary steps to effect the withdrawal of its illegal administration in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations [resolution 366 (1974)].

Pending the transfer of power, the Council demanded that South Africa:

—comply fully, in spirit and in practice, with the provisions of the Universal Declaration of Human Rights;

—release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians had been charged or tried or were held without charge and whether held in Namibia or South Africa;

—abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly "bantustans" and "homelands"; and

—accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment.

1975

6 June 1975. At a meeting of the Security Council, a draft resolution introduced by five African States determining that the illegal occupation of Namibia by South Africa constituted a threat to international peace and security and deciding that all States should prevent any supply of arms and ammunition to South Africa for use by the armed forces and paramilitary organizations of that country, was not adopted because of the negative votes of three permanent members (France, the United Kingdom and the United States).

26 November 1975. The General Assembly reiterated that the national liberation movement of Namibia, SWAPO, was the authentic representative of the Namibian people, and it reaffirmed the legitimacy of the struggle of the Namibian people by all means against the illegal occupation of their country by South Africa.

The Assembly again strongly condemned South Africa for its persistent refusal to withdraw from Namibia and for its manoeuvres to consolidate its illegal occupation by organizing a so-called constitutional conference, with a view to creating divisions among ethnic groups and furthering its policies of "bantustanization"; it also strongly condemned the military build-up by South Africa in Namibia and the forceful removal of Namibians from the northern border for military purposes.

The Assembly demanded the immediate withdrawal by South Africa of all its military and police forces and its administration from Namibia so as to enable the Namibian people to achieve freedom and independence, and it decided that free national elections should be held in Namibia as a matter of urgency, under the direct supervision and control of the United Nations.

The Assembly urged all those States which had not yet done so to break off economic relations with South Africa that concern Namibia and to take measures with a view to compelling the Government of South Africa to withdraw immediately from Namibia. It also called upon those States having consular representation in Namibia to terminate such representation, and those having consuls in South Africa with consular jurisdiction in Namibia to withdraw such accreditation.

All Member States were again requested to take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia. The Assembly condemned the exploitation of uranium and of all other natural resources of Namibia by organizations under private or governmental control, including in particular transnational corporations, and demanded that such exploitation, direct or indirect, cease forthwith [resolution 3399 (XXX)].

1976

8 January 1976. The International Conference on Namibia and Human Rights, convened in response to a 1975 resolution of the Human Rights Commission and held in Dakar, Senegal, from 5 to 8 January, adopted by acclamation a declaration stating that the occupation of Namibia by South Africa was a continuing threat to peace and security in southern Africa, the whole of Africa and the world, and that the exercise of the right of self-determination by the people of Namibia was a prerequisite for their enjoyment of human rights. The right to self-determination, the Conference declared, involved the liberation of the people of Namibia from the yoke of South Africa's

colonialism and the restoration of Namibia's fundamental national rights—independence, sovereignty, the right to dispose of its natural resources, and the unity and integrity of its territory.

The Conference also adopted a programme of action in which it proposed to international organizations, States, non-governmental organizations and social, professional, trade-union and information organizations a set of measures to be taken "to secure for the people of Namibia the exercise of their right to self-determination".

30 January 1976. The Security Council [by resolution 385 (1976)] unanimously condemned South Africa for:

—its continued illegal occupation of Namibia;

—its illegal and arbitrary application of racially discriminatory and repressive laws and practices in Namibia;

—its military build-up in Namibia and any utilization of the territory as a base for attacks on neighbouring countries;

—its failure to comply with the Council's resolution of 17 December 1974; and

—all its attempts calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia.

The Council demanded that South Africa put an end forthwith to its policy of "bantustans" and "homelands" aimed at violating the national unity and the territorial integrity of Namibia.

It declared that, in order to enable the people of Namibia freely to determine their own future, it was imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity and that, in determining the date, time-table and modalities for such elections, there should be adequate time, to be decided upon by the Security Council, for the purpose of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections.

It demanded that South Africa urgently make a solemn declaration accepting these provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice, and recognizing the territorial integrity and unity of Namibia as a nation.

The Council reiterated its demand that South Africa take the necessary steps to effect the withdrawal of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations.

Pending that transfer of power, the Council demanded again that South Africa:

—comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

—release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians had been charged or tried or were held without charge and whether held in Namibia or South Africa;

—abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly "bantustans" and "homelands"; and

—accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment. [The full text of resolution 385 (1976) appears on page 30.]

The Institute for Namibia, at Lusaka, Zambia, was established by the Council for Namibia in 1974 and opened its doors to students in 1976. Courses are designed primarily to train students to assume positions of responsibility in an independent Namibia.

31 March 1976. The Security Council, meeting on a complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning an act of aggression committed by South Africa against Angola, adopted a resolution [387 (1976)] condemning South Africa's aggression against Angola and demanding that South Africa scrupulously respect Angola's independence, sovereignty and territorial integrity and desist from using the international territory of Namibia to mount provocative or aggressive attacks against Angola or any other neighbouring African State.

30 July 1976. The Security Council, meeting on a complaint by Zambia against South Africa, demanded that South Africa desist forthwith from the use of the international territory of Namibia as a base for launching armed attacks against Zambia and other African countries. It commended Zambia and other "front-line" States for their steadfast support of the people of Namibia in their legitimate struggle for the liberation of their country from illegal occupation by the racist régime of South Africa and declared that the liberation of Namibia and Zimbabwe and the elimination of *apartheid* in South Africa were necessary for the attainment of justice and lasting peace in the region [resolution 393 (1976)].

26 August 1976. The United Nations Institute for Namibia, which was created by the United Nations Council for Namibia in 1974 for the purpose of providing Namibians with the necessary education and training to strengthen their efforts in the struggle for freedom and to equip them for administering a free Namibia, opened formally in Lusaka, Zambia. With the help of the Zambian Government, suitable premises for the Institute had been obtained in Lusaka and contingency plans made to move the Institute to Windhoek when South Africa's illegal occupation of Namibia was terminated.

19 October 1976. A draft resolution introduced in the Security Council by seven Member States that would have determined that the illegal occupation of Namibia by South Africa and the war being waged there by that country constituted a threat to international peace and security and that would have decided that all States should prevent the supply to South Africa of arms, ammunition and all other types of military equipment, was not adopted because of the negative vote of three permanent members (France, the United Kingdom and the United States).

20 December 1976. The General Assembly [by resolution 31/146] recognized the national liberation movement of Namibia, the South West Africa People's Organization (SWAPO), as the sole and authentic representative of the Namibian people and supported the armed struggle of the Namibian people, led by SWAPO, to achieve self-determination, freedom and national independence in a united Namibia. It appealed to all Member States to support and assist SWAPO in its struggle to achieve independence and national unity for Namibia, and it invited SWAPO to participate in the capacity of observer in the work and sessions of the Assembly and in all international conferences convened under the auspices of the Assembly. It also decided that any independence talks regarding Namibia must be between the representatives of South Africa and the South West Africa People's Organization, under the auspices of the United Nations, for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia.

The Assembly again strongly condemned South Africa for its persistent refusal to withdraw from Namibia; for its manoeuvres to consolidate its illegal occupation of the territory; for its military build-up in Namibia, its threats of aggression against independent African countries and the forceful removal of Namibians from the northern border of the territory for military purposes; and for organizing the so-called constitutional talks at Windhoek, which sought to perpetuate the *apartheid* and "homelands" policies, as well as the colonial oppression and exploitation of the people and resources of Namibia, by misrepresenting the genuine aspirations of the Namibian people for self-determination, freedom and national independence in a united Namibia.

The Assembly also strongly condemned the illegal South African administration in Namibia for its aggression against, and massive repression of the Namibian people and their national liberation movement with the intention of establishing, among other things, an atmosphere of intimidation and terror for the purpose of imposing upon the Namibian people a bogus constitutional structure aimed at subverting the territorial integrity and unity of Namibia and perpetuating a ruthless policy of racial segregation.

It demanded that South Africa put an end to extending *apartheid* in Namibia and to its policy of "bantustanization" of the territory, aimed at destroying the national unity and the territorial integrity of Namibia; release all Namibian political prisoners; and accord unconditionally to all Namibians currently in exile for political reasons full facilities for their return to their country without risk of arrest, detention, intimidation or imprisonment.

It declared that, in order that the people of Namibia should be enabled freely to determine their own future, it was imperative that free elections under the supervision and control of the United Nations be held in the whole of Namibia as one political entity.

The Assembly reiterated that the illegal occupation of Namibia and the war being waged there by South Africa constituted a threat to international peace and security and an act of aggression against the Namibian people and against the United Nations as the legal authority to administer the territory until independence. It urged the Security Council to impose a mandatory arms embargo against South Africa, and requested all States to cease and desist from any form of direct or indirect military consultation, co-operation or collaboration with South Africa; to take effective measures to prevent the recruitment of mercenaries for service in Namibia or South Africa; and to take steps to ensure the termination of all arms-licensing agreements with South Africa and to prohibit the transfer to South Africa of all information relating to arms and armaments.

All States were requested to cease and prevent:

—any supply of arms and ammunition to South Africa;

—any supply of aircraft, vehicles or military equipment, or of spare parts for arms, vehicles or military equipment, for the use of the armed forces and paramilitary or police organizations of South Africa;

—any supply of so-called dual-use aircraft, vehicles or equipment which could be converted to military use by South Africa;

—any activities in their countries which promoted or were calculated to promote the supply of arms, ammunition, military aircraft or military vehicles to South Africa and of equipment or materials for the manufacture and maintenance of arms and ammunition in South Africa and Namibia; and

—any co-operation or activities by public or private corporations in conjunction with South Africa in the development, directly or indirectly, of nuclear technology, including the development of a nuclear capability by the racist régime in South Africa.

The Assembly decided to launch, in support of the nationhood of Namibia, a comprehensive assistance programme within the United Nations system, covering both the present period of struggle for independence and the initial years of independence, and called upon the United Nations Council for Namibia to elaborate, in consultation with SWAPO, the guidelines and policies for such a programme, to be known as the Nationhood Programme for Namibia, and to direct and co-ordinate the implementation of the Programme. All States were invited to participate in the Nationhood Programme for Namibia by supporting measures for assistance to Namibians and by contributing to the United Nations Fund for Namibia and the United Nations Institute for Namibia, which had opened formally in Lusaka, Zambia, in August.

The South West Africa People's Organization (SWAPO) was recognized by the General Assembly in 1976 as the sole and authentic representative of the Namibian people in their struggle to achieve self-determination, freedom and national independence in a united Namibia. The President of SWAPO, Sam Nujoma, is seen here at a meeting of the Council for Namibia.

1977

21 May 1977. The International Conference in Support of the Peoples of Zimbabwe and Namibia, held in Maputo, Mozambique, from 16 to 21 May under the co-sponsorship of the United Nations Council for Namibia and the Special Committee of 24 on decolonization, adopted the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and a programme of action for the liberation of Zimbabwe and Namibia.

On Namibia, the Maputo Declaration proclaimed full support for the struggle of the people of Namibia under the leadership of their sole and authentic liberation movement, SWAPO, and commended the international community for the moral, political and material assistance it was giving to SWAPO. It condemned the colonial and illegal occupation of Namibia, the "bantustanization" of the territory and the exploitation of its human and natural resources by South Africa. The Conference, in its Declaration, emphasized that Walvis Bay is an integral part of Namibia; it denounced the Turnhalle tribal talks; and it reaffirmed that in order for the people of Namibia to be freely

Secretary-General Kurt Waldheim (centre) addresses a meeting of the United Nations Council for Namibia on 27 October 1978 to mark the opening of the Week of Solidarity with the People of Namibia and Their Liberation Movement (SWAPO). To his right is the President of the Council for Namibia, Gwendoline C. Konie (Zambia).

enabled to determine their own future, free elections should be held urgently under the supervision and control of the United Nations in the whole of Namibia as one political entity. It also reaffirmed the responsibility of the United Nations for Namibia until the territory attained full independence, proclaimed its support for the Nationhood Programme for Namibia and solemnly declared that the natural resources of Namibia are the birthright of the Namibian people.

In the Programme of Action, the Conference called upon Governments to categorically reject and denounce all manoeuvres by South Africa which sought to impose its will upon the Namibian people and to reject all attempts by South Africa to dismember the territory of Namibia and especially its design to annex Walvis Bay. The Conference also called upon Governments to refrain from according any recognition to or co-operating with any authority or régime which South Africa might install in Namibia; to enact the necessary legislation consistent with Decree No. 1 for the Protection of the Natural Resources of Namibia; to ensure an end to foreign economic activities and terminate any consular representation in or concerning Namibia; and to implement the arms embargo against South Africa. The Conference called upon the Security Council to impose a mandatory arms embargo against South Africa, and it called upon the General Assembly to convene a special session on Namibia.

7 September 1977. Following the announcement by South Africa on 31 August that from 1 September South Africa would administer Walvis Bay as part of its Cape Province, the United Nations Council for Namibia issued a statement condemning "in the strongest terms this unilateral attempt by South Africa to destroy the territorial integrity and unity of Namibia". The Council stated that Walvis Bay had always been an integral part of Namibia and that South Africa had no right to change its status or to appropriate it as part of its own territory; its decision was illegal. The Council recalled the Maputo Declaration of 21 May which recognized Walvis Bay as an integral part of Namibia and rejected the attempts of South Africa to separate it from the rest of Namibia "with which it is inextricably linked by geographical, historical, cultural and ethnic bonds". "The independence of Namibia," the Council stated, "cannot be complete without the recovery of Walvis Bay from South African control," and it said it expected the Security Council to take measures to maintain the status of Walvis Bay as part of the international territory of Namibia.

27 October 1977. In a statement to mark the start of the Week of Solidarity with the people of Namibia and their liberation movement, the Secretary-General, Kurt Waldheim, said that in the years since the termination of the Mandate the United Nations had continued to search for a solution which would ensure the withdrawal of South Africa from the territory and create the necessary conditions under which the people of Namibia could achieve nationhood in peace and unity. Successive resolutions of the General Assembly and the Security Council, particularly its resolution of 30 January 1976, had laid down the conditions for a negotiated settlement of the Namibian

problem, but regrettably South Africa had refused to comply with those resolutions and the resultant situation had been a dangerous escalation of tensions in the region and, in some areas, armed conflict.

The position of the United Nations, the Secretary-General said, was that the presence of South Africa in Namibia was illegal and that it was obliged to withdraw its administration and terminate its occupation of the territory.

He emphasized that since the United Nations had assumed responsibility for Namibia until it reached independence, the political processes leading to that independence must be controlled and supervised by the United Nations. There must be free elections on the basis of one man one vote; all Namibian political prisoners must be released; the application in Namibia of all racially discriminatory and politically oppressive laws and practices must be abolished; and all Namibians in exile for political reasons must be accorded full facilities to return to their country without risk of arrest or intimidation.

The Secretary-General said that he had been encouraged in recent months by the diplomatic initiatives undertaken by a number of Member States with a view to overcoming the difficulties that had hampered a solution of the problem of Namibia for so long, and he expressed the hope that the Government of South Africa would recognize the realities of the situation and the irrepressible desire of the people of the territory for their right to self-determination and independence. "It is in the interest of South Africa," he said, "to seize upon the opportunity provided by the current efforts to break the impasse and to extend its co-operation to the United Nations."

4 November 1977. The General Assembly [by resolution 32/9 D] declared that South Africa's decision to annex Walvis Bay was illegal, null and void and an act of colonial expansion in violation of the Charter and of the Declaration on decolonization. It declared that "Walvis Bay is an integral part of Namibia with which it is inextricably linked by geographical, historical, economic, cultural and ethnic bonds", and it condemned South Africa for the decision to annex Walvis Bay, thereby attempting to undermine the territorial integrity and unity of Namibia.

The Assembly also condemned South Africa for its persistent refusal to withdraw from Namibia; for its manoeuvres to consolidate its illegal occupation of the territory, in defiance of United Nations resolutions; for its military build-up in Namibia, its recruitment and training of Namibians and other agents to carry out its policy of military adventurism against Angola, its threats and acts of aggression against all independent African countries and the forceful removal of Namibians from the northern border of the territory for military purposes; and for its massive repression of the people of Namibia and their liberation movement.

The Assembly supported the armed struggle of the Namibian people, led by SWAPO, the sole and authentic representative of the Namibian people, to achieve self-determination, freedom and national independence in a united Namibia, and decided that any independence talks regarding Namibia must be between the representatives of SWAPO and South Africa, under the auspices of the United Nations, for the sole purpose of discussing the modalities for the transfer of power to the people of Namibia. It appealed to all Member States to grant all necessary support to SWAPO in the struggle to achieve self-determination, freedom and national independence in a united Namibia.

The Assembly demanded the immediate and unconditional withdrawal of all South African military and paramilitary forces from Namibia. It also demanded that South Africa:

—put an end to extending *apartheid* in Namibia and its policy of "bantustanization" of the territory;

—release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under the so-called internal security laws, whether such Namibians had been charged or tried or were held without charge and whether held in Namibia or South Africa; and

—accord unconditionally to all Namibians currently in exile for political reasons full facilities for their return to their country without risk of arrest, detention, intimidation or imprisonment.

The Assembly requested all States:

—to cease and desist from any form of direct or indirect military consultation, co-operation or collaboration with South Africa;

—to take steps to prevent the recruitment of mercenaries for service in Namibia or South Africa, to ensure the termination of all arms-licensing agreements with South Africa and to prohibit the transfer to South Africa of all information relating to arms and armaments;

—to cease and prevent forthwith: any supply of arms and ammunition to South Africa; any supply of aircraft, vehicles or military equipment or spare parts for the use of the armed forces and paramilitary or police organizations in South Africa; any supply of so-called dual-use aircraft, vehicles or equipment which could be converted to military use by South Africa; any supply of oil and petroleum products or any other fuel to South Africa; any activities in their countries which promoted the supply of arms, ammunition and military aircraft and vehicles to South Africa or of equipment or material for their manufacture; and any co-operation by public or private coporations in conjunction with South Africa in the development, directly or indirectly, of nuclear technology, including the development by South Africa of a nuclear capability.

The Assembly urged those States which had not yet done so to break off economic relations with South Africa that concerned Namibia, and appealed to Governments to discourage private investors from their countries from participating in business ventures in Namibia which benefitted the South African régime by making available additional resources to meet the military costs of its repressive policies in Namibia.

All Member States were again requested to take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the

Protection of the Natural Resources of Namibia and such other measures as might be necessary to assist in the protection of the natural resources of Namibia.

Finally, the Assembly decided to hold a special session on the question of Namibia in 1978.

On the same day, following a two-week debate on the question of South Africa, the Security Council decided unanimously [by resolution 418 (1977)] to impose a mandatory arms embargo against South Africa. The Council's action marked the first time in the 32-year history of the United Nations that action had been taken against a Member State under Chapter VII of the Charter, which is concerned with action with respect to threats to the peace, breaches of the peace and acts of aggression.

The Council determined that South Africa's acquisition of arms and related *matériel* constituted a threat to the maintenance of international peace and security, and it decided that all States "shall cease forthwith any provision to South Africa of arms and related *matériel* of all types" and any nuclear collaboration with South Africa.

1978

23 March 1978. At the close of a series of extraordinary plenary meetings held at Lusaka from 20 to 23 March, the United Nations Council for Namibia adopted a declaration—the 1978 Lusaka Declaration—in which, among other things, it condemned South Africa for its continued illegal occupation of Namibia and in particular for its decision to annex Walvis Bay. The Council strongly and unequivocally reaffirmed that "Walvis Bay is not a question of territorial claims; its is an inviolable and non-negotiable part of Namibia".

The Council considered the illegal occupation of Namibia by South Africa to be a threat to international peace and security and therefore declared that the special session of the General Assembly (to be convened in April) should be held at the highest possible political level and that it must have as its central objectives:

—the reaffirmation of the direct responsibility of the United Nations for Namibia;

—the determination of the conditions and steps which would ensure the immediate and genuine independence of Namibia;

—the reaffirmation of the territorial integrity of Namibia;

—the implementation of the Maputo Programme of Action for the Liberation of Zimbabwe and Namibia, adopted on 21 May 1977;

—the condemnation and unqualified rejection of any so-called internal settlement in Namibia;

—the strengthening of SWAPO as the vanguard of the struggle of the Namibian people for genuine national liberation and independence; and

—a call upon those countries which had not yet done so to recognize SWAPO as the sole and authentic representative of the Namibian people.

The Council recommended that the General Assembly, at its special session, should urge the Security Council to apply the measures necessary to terminate forthwith South Africa's illegal occupation of Namibia, bring to an end its aggression against the Namibian people and the United Nations and ensure the complete and unconditional withdrawal of South Africa from the territory.

10 April 1978. The five Western members of the Security Council—Canada, France, the Federal Republic of Germany, the United Kingdom and the United States—transmitted to the Council a proposal for the settlement of the question of Namibia (see below, under 27 July 1978).

[The proposal was accepted by the South African Government on 25 April.

On 12 July, in a joint communique issued in Luanda, Angola, the representatives of the five Western States and of SWAPO stated that in their two-day discussions certain points in the proposal had been clarified and that the two delegations had agreed to proceed to the Security Council, "thus opening the way to an early internationally acceptable settlement of the question of Namibia".]

3 May 1978. At the close of its ninth special session, on the question of Namibia, held at United Nations Headquarters from 24 April to 3 May, the General Assembly adopted a declaration on Namibia and a programme of action in support of self-determination and national independence for Namibia [resolution S-9/2].

In the Declaration on Namibia, the Assembly stressed its commitment to end South Africa's illegal occupation of Namibia by ensuring its complete and unconditional withdrawal to enable the Namibian people, under the leadership of SWAPO, to exercise freely their right to self-determination and independence, and it strongly condemned South Africa for its continued illegal occupation of Namibia in defiance of repeated demands by the Assembly and the Security Council for its withdrawal.

Reiterating that "Walvis Bay is an integral part of Namibia", the Assembly condemned South Africa in the strongest possible terms for its decision to annex Walvis Bay, thus violating the principle of the territorial integrity of Namibia, embodied in Assembly and Security Council resolutions. It reiterated that South Africa's decision to annex Walvis Bay was illegal, null and void and an act of aggression against the Namibian people, and declared that the existence of South African military bases in Walvis Bay was a threat to the national security of Namibia and that the illegal annexation of Walvis Bay, the main port and vital economic avenue of Namibia, was a deliberate attempt to undermine the territorial integrity, economic independence and national security of Namibia.

The Assembly expressed its full support for the armed liberation struggle of the Namibian people under the leadership of SWAPO, its sole and authentic representative, and its conviction that the intensified armed liberation struggle by the Namibian people continued to be a decisive factor in the efforts to achieve self-determina-

tion, freedom and national independence in a united Namibia. It also supported the political and diplomatic efforts of SWAPO to secure genuine independence for Namibia and commended SWAPO for its willingness to enter into negotiations for the achievement of genuine independence for Namibia, in conformity with Security Council resolution 385 of 30 January 1976.

It noted that SWAPO had made far-reaching and substantive concessions to facilitate a negotiated settlement, but that South Africa, by its continued intransigence and inflexibility, had refused to demonstrate any good faith or willingness to enter seriously into meaningful negotiations for its withdrawal from Namibia. It rejected the idea that South Africa, as the illegal occupier of Namibia, had any legitimate interest in Namibia about which SWAPO should be pressed to make concessions in any negotiated and internationally acceptable settlement. South Africa had no right, the Assembly declared, to remain in Namibia or to procrastinate and prevaricate in any negotiating process on the questions of genuine independence for Namibia.

Unless effective political, economic and diplomatic pressures were demonstrably brought to bear on South Africa, the Assembly declared, no negotiation would succeed. It added that any genuine attempt to resolve the problem of Namibia by negotiation must not undermine the position of SWAPO or diminish the role of the United Nations or the Council for Namibia as the legal Administering Authority for the territory until independence. It was imperative, the Assembly declared, that any negotiated settlement be arrived at with SWAPO's agreement and within the framework of the resolutions of the United Nations.

The Assembly strongly condemned the intensified preparation by South Africa to impose in Namibia a so-called "internal settlement", designed to give a semblance of power to a puppet régime and a cover of legality to the racist occupation, to foster civil war and to propagate the fiction that the struggle of the Namibian people for the liberation of the territory would be aggression perpetrated from the outside. It expressed grave concern that South Africa was continuing to promote its puppets and quislings of the Turnhalle tribal gathering as an alternative to SWAPO, which was fighting for the genuine national and social liberation of Namibia as a united political entity.

In the Programme of Action in Support of Self-Determination and National Independence for Namibia, the Assembly appealed to all Member States to render increased and sustained support and assistance to SWAPO to enable it to intensify its struggle for the liberation of Namibia and to reject unequivocally all manoeuvres engineered to deprive the Namibian people of their legitimate right to achieve genuine national independence in a united Namibia and to undermine and destroy the achievements of the liberation struggle of SWAPO.

It also urged all States:

—to do their utmost to compel South Africa to renounce its spurious claims to Walvis Bay, to respect the territorial integrity of Namibia and to withdraw immediately from the entire Namibian territory;

—to cease and desist from any form of direct or indirect military consultation, co-operation or collaboration with South Africa and to refrain from any collaboration with South Africa in the nuclear field, including the production and development of nuclear weapons;

—to take effective measures to prevent the recruitment of mercenaries for service in Namibia or South Africa; and

—to take steps to ensure the termination of all arms-licensing agreements with South Africa and to prohibit the transfer to it of all information relating to arms and armaments.

All Member States were again urged by the Assembly to take all appropriate measures to ensure the full application of, and compliance with, the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia and to compel transnational corporations under their jurisdiction to comply with United Nations resolutions by immediately abstaining from making any investment in Namibia, by withdrawing current investments from the territory and by terminating their co-operation with the illegal South African administration in Namibia.

Stating that it was fully convinced that, at this decisive stage in the struggle of the Namibian people, the international community must take definitive action to ensure the complete and unconditional withdrawal of South Africa from Namibia and thus eliminate the dangerous threat to international peace and security created by South Africa, the Assembly strongly urged the Security Council to take the most vigorous measures, including sanctions provided for under Chapter VII of the Charter.

6 May 1978. The Security Council, meeting on a complaint by Angola that the town of Cassinga had been attacked by South African troops and bombed by South African warplanes, adopted unanimously a resolution condemning the invasion of Angola by South Africa and its utilization of the international territory of Namibia as a spring-board for such an armed invasion, and demanding that South Africa withdraw its forces immediately and unconditionally from Angola, and respect that country's independence, sovereignty and territorial integrity [resolution 428 (1978)].

The Council commended Angola for its continued support of the people of Namibia in their just and legitimate struggle and demanded that South Africa put an end to its illegal occupation of Namibia without any further delay.

18 July 1978. In an address to the fifteenth Assembly of Heads of State and Government of the Organization of African Unity (OAU), in Khartoum, Sudan, the Secretary-General said that he was heartened by the agreement reached by all the parties to the negotiations on the terms for a settlement of the Namibia question, and that he wished "to commend highly the invaluable contributions made by the OAU and especially the five front-line States during the long and arduous negotiations". He also extended his appreciation to the five Western members of the Security Council "for their untiring efforts".

"As for the parties directly involved," the Secretary-General said, "they are to be congratulated for the positive attitude they have displayed in the negotiations over this very sensitive and complex question. It has been a vital factor in bringing us to the threshhold of a just and peaceful solution."

27 July 1978. The Security Council, meeting to consider the situation in Namibia, had before it the settlement proposal which had been transmitted to it on 10 April by the five Western members of the Council—Canada, France, the Federal Republic of Germany, the United Kingdom and the United States.

The five Western members stated, in the introduction to their proposal, that it was in accordance with the Council's unanimous decision contained in its resolution 385 (1976) of 30 January 1976, which had declared, among other things, that in order to enable the people of Namibia freely to determine their own future, it was imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity. It had also declared that, in determining the date, time-table and modalities for the elections, "there shall be adequate time, to be decided upon by the Security Council for the purpose of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections".

The Western proposal called for: (a) the appointment of a Special Representative whose central task would be to make sure that conditions were established for free and fair elections based on an impartial electoral process; (b) the release of all Namibian political prisoners or detainees and the return of all Namibian refugees and other Namibians outside the territory; (c) a comprehensive cessation of all hostile acts by all parties; and (d) the restriction to base of South African and SWAPO armed forces.

After taking note of the Western proposal, the Security Council [by resolution 431 (1978)] requested the Secretary-General to appoint a Special Representative for Namibia "in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations". The Council urged all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date.

The Secretary-General informed the Council that he intended to appoint Martti Ahtisaari, United Nations Commissioner for Namibia, as his Special Representative and that, within a week, Mr. Ahtisaari would lead a mission to Namibia.

In a second resolution [432 (1978)], adopted unanimously, the Council declared that Namibia's territorial integrity and unity must be assured through the reintegration of Walvis Bay within its territory and that, pending attainment of that objective, South Africa must not use Walvis Bay in any manner prejudicial to the independence of Namibia or the viability of its economy. It decided to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia.

29 August 1978. The Secretary-General submitted to the Security Council a report based on the findings of his Special Representative, who had visited Namibia from 6 to 22 August to conduct a survey of the arrangements necessary for the implementation of the Council's resolution 431 (1978).

In his report, the Secretary-General said that the implementation of the Western settlement proposal would require the establishment of a United Nations Transition Assistance Group (UNTAG) in Namibia, consisting of a civilian component and a military component, both under the over-all direction of the Special Representative.

The report stated that the implementation of the Western proposal would be carried out in three stages: (1) cessation of all hostile acts by all parties, and the withdrawal, restriction or demobilization of the various armed forces; (2) the conduct of free and fair elections to the Constituent Assembly, with pre-conditions including the repeal of restrictive laws, the release of political prisoners and voluntary return of exiles, the establishment of effective monitoring by the United Nations and an adequate period for electoral campaigning; and (3) the formulation and adoption of a Constitution for Namibia by the elected Assembly, to be followed by the entry into force of the Constitution and the consequent achievement of the independence of Namibia.

The costs of UNTAG would be considered expenses of the Organization, to be borne by Member States in accordance with Article 17 (2) of the Charter.

For UNTAG to carry out its tasks effectively, the report stated, three essential conditions must be met: (1) it must at all times have the full support and backing of the Security Council; (2) it must have the full co-operation of all the parties concerned, particularly with regard to the cessation of all hostile acts; and (3) it must be able to operate as a combined United Nations operation.

The report stressed the need for the co-operation and support of the neighbouring countries in connexion with the task of UNTAG to monitor the cessation of hostilities, maintain surveillance of Namibia's vast borders, and monitor the restriction to base of the armed forces of the parties concerned.

29 September 1978. The Security Council [by resolution 435 (1978)] approved the Secretary-General's report and decided to establish, under the Council's authority, a United Nations Transition Assistance Group (UNTAG), in accordance with the report, for a period of up to 12 months in order to assist the Secretary-General's Special Representative to carry out his mandate—namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations.

The Council welcomed SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions. It called on South Africa "forthwith" to co-operate with the Secretary-General in the implementation of the Council's resolution, and declared that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral pro-

cess, including unilateral registration of voters, or transfer of power, in contravention of the resolutions of the Council, were null and void.

The Secretary-General was requested to report to the Council no later than 23 October 1978 on the implementation of the resolution.

21 October 1978. In his report to the Council, the Secretary-General stated that, with the assistance of his Special Representative, he had initiated action in respect of a review of the necessary administrative and other arrangements regarding UNTAG as a whole, including the military component. On the question of co-operation by South Africa, the Secretary-General said that he had met with representatives of the South African Government to discuss questions concerning the implementation of Council resolution 435 (1978) of 29 September 1978, and with the five Western Governments—Canada, France, the Federal Republic of Germany, the United Kingdom and the United States.

The Secretary-General noted that the Foreign Ministers of those five Governments had held discussions in Pretoria from 16 to 18 October with the South African Government and that South Africa had stated that the elections it planned to hold in Namibia in December "must be seen as an internal process to elect leaders".

The five Foreign Ministers stated that they saw no way of reconciling the unilateral elections planned by South Africa with the proposal for a settlement which they had put forward and which the Security Council had endorsed. "Any such unilateral measures in relation to the electoral process," they stated, "will be regarded as null and void."

13 November 1978. After considering the Secretary-General's report, the Security Council [by resolution 439 (1978)] condemned South Africa's decision to proceed unilaterally with the holding of elections in Namibia from 4 to 8 December, in contravention of resolutions of the Council, and stated that South Africa's decision constituted a clear defiance of the United Nations and, in particular, of the authority of the Council. The Council declared the elections and their results null and void and stated that no recognition would be accorded either by the United Nations or any Member State "to any representatives or organ established by that process". It called for the immediate cancellation of the elections and demanded once again that South Africa co-operate with the Security Council and the Secretary-General in the implementation of the Council's resolutions.

21 December 1978. The General Assembly [by resolution 33/182 B] condemned the South African regime for unilaterally holding elections in Namibia from 4 to 8 December, in contravention of the resolutions of the Security Council, and declared those elections and their results to be null and void and of no consequence to the attainment of genuine independence for Namibia. It demanded that South Africa urgently comply fully and unconditionally with the resolutions of the Council.

In a second resolution [33/182 A], the Assembly reiterated that "Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved", and it reaffirmed the inalienable rights of the people of Namibia to self-determination, freedom and independence in a united Namibia, including Walvis Bay, in accordance with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Assembly's resolution of 27 October 1966 and subsequent resolutions relating to Namibia.

The Assembly proclaimed 1979 as the International Year of Solidarity with the People of Namibia, and it decided to reconvene early in the year to continue its consideration of the question of Namibia.

1979

31 May 1979. At the conclusion of its resumed session devoted to the question of Namibia, the General Assembly [by resolution 33/206] solemnly reaffirmed the direct responsibility of the United Nations for Namibia and also reaffirmed that a just and durable settlement of the question of Namibia was possible only with the direct and full participation of SWAPO. The Assembly observed that the parties to the conflict were, on the one hand, South Africa, which was illegally occupying the territory, committing aggression against the people of Namibia and the neighbouring States, and, on the other, the Namibian people under the leadership of SWAPO, supported by the United Nations, which had direct responsibility for the territory until independence.

The Assembly determined that South Africa had "acted deceitfully through unilateral measures and sinister schemes" within Namibia during the protracted period of talks for a negotiated settlement in Namibia to the detriment of the Namibian people and their national liberation movement, SWAPO, and in contravention of the resolutions of the Security Council and the General Assembly.

It strongly condemned South Africa (a) for its arrogant and defiant actions in imposing on the Namibian people a so-called internal settlement through a fraudulent and illegal "national assembly" designed to achieve international recognition for its puppets therein in order to perpetuate South Africa's illegal occupation and its colonial and racist exploitation of Namibia; and (b) for its escalated arrests and detentions of leaders and members of SWAPO and other acts of violence against the Namibian people as part of its attempts to frustrate the aspirations of the Namibian people for genuine national liberation, to destroy SWAPO and to impose a so-called internal settlement. The Assembly demanded that South Africa immediately and unconditionally release all leaders and members of SWAPO and cease all violence against the Namibian people.

It called upon all Member States and the international community to refrain from according any recognition to, or co-operating with, the illegal national assembly or any

puppet regime which South Africa might impose upon the Namibian people in complete disregard of the resolutions of the United Nations.

The Assembly once again demanded the immediate and unconditional end to the illegal occupation of Namibia by South Africa and called upon the Security Council to convene urgently to take enforcement measures against South Africa, as provided for under Chapter VII of the Charter, in order to ensure South Africa's compliance with the resolutions and decisions of the United Nations on Namibia.

17 July 1979. Addressing the sixteenth Assembly of Heads of State and Government of the Organization of African Unity, in Monrovia, Liberia, the Secretary-General said that the establishment of a United Nations presence in Namibia in order to supervise and control elections leading to independence in the territory had been "regrettably delayed" and that the stalemate had been further compounded by South Africa's action in holding elections in the territory, elections which the United Nations had declared null and void. The plan of action approved by the Security Council could not be implemented, he said, without the full co-operation of all concerned, particularly South Africa.

29 October 1979. The United Nations Council for Namibia held two special meetings in observance of the Week of Solidarity with the People of Namibia and their liberation movement, SWAPO. Observance of the Week, from 27 October to 3 November, had been called for by the General Assembly in 1976, to coincide with the anniversary of the decision of the Assembly on 27 October 1966 to terminate South Africa's mandate and to have the United Nations assume direct responsibility for Namibia.

In a statement at the special observance, the Secretary-General said that when, more than a decade ago, the General Assembly had brought Namibia under the direct responsibility of the United Nations, it had in effect entered into a commitment not only to assist the people of Namibia and defend their interests, but also to obtain for them the enjoyment of all the rights guaranteed under the Charter. "That commitment," he said, "remains just as binding today as it was in 1966," and it was therefore fitting that the United Nations should mark the Week by reaffirming not only its solidarity with the people of Namibia but also its firm resolve to arrive at a just solution whereby the Namibian people, in accordance with their legitimate aspirations, may attain self-determination, freedom and national independence in a united Namibia.

"We must leave no doubt in anyone's mind," the Secretary-General said, "of the determination of the United Nations to fulfil its responsibilities to the people of Namibia" and efforts were continuing aimed at reaching agreement on the implementation of Security Council resolution 435 of 29 September 1978, he stated, but a number of important issues remained to be resolved.

In that connexion, the Secretary-General recalled that during his visit to Angola in July, the late President of Angola, Agostinho Neto, had suggested the idea of a demilitarized zone along the borders of Namibia as a way of reactivating the negotiations relating to the future of Namibia, and he paid tribute to the late President for that suggestion and for "his constructive efforts to help us overcome the stalemate". The idea had been transmitted for consideration to the neighbouring States at the beginning of October and replies were being awaited. He appealed to all parties and in particular to the Government of South Africa to co-operate fully with the United Nations in its efforts to achieve a negotiated, peaceful settlement.

ACTIVITIES OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

Establishment. In 1967, following its termination of South Africa's Mandate for the territory of South West Africa in 1966, the General Assembly established the United Nations Council for South West Africa as the only legal authority to administer the territory until independence and, in the meantime, to prepare it for independence.

In June 1968, the General Assembly proclaimed that, in accordance with the wishes of the people, the territory would henceforth be known as Namibia, and the Council was redesignated the United Nations Council for Namibia.

Membership. The Council was originally composed of 11 members. It was enlarged to 18 members in 1972, to 25 members in 1974 and to 31 members in 1978. Today the Council is composed of the following States Members of the United Nations: Algeria, Angola, Australia, Bangladesh, Belgium, Botswana, Bulgaria, Burundi, Chile, China, Colombia, Cyprus, Egypt, Finland, Guyana, Haiti, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Senegal, Turkey, Union of Soviet Socialist Republics, United Republic of Cameroon, Venezuela, Yugoslavia and Zambia.

In accordance with standing arrangements, the representative of the South West Africa People's Organization (SWAPO), which has permanent observer status in the General Assembly, participates in the work of the Council for Namibia. The Organization of African Unity (OAU) also participates in the work of the Council in an observer capacity.

Activities. The United Nations Council for Namibia has been carrying out the following activities:

—emphasizing and espousing the responsibility of the United Nations for Namibia until the achievement of genuine independence;

—exposing the illegal presence and repressive policies and practices of the South African regime in Namibia;

—mobilizing international support for the liberation of Namibia;

—assisting the Namibian people and supporting the struggle of the people of the territory under the leadership of SWAPO for their national liberation by financing education and training programmes, providing travel and identity documents, and ensuring that Namibians particpate fully in the work of the Council;

—taking action to ensure compliance of Member States with United Nations resolutions on Namibia, and with the International Court of Justice advisory opinion of 21 June 1971;

—exposing the activities of foreign economic interests in Namibia by showing how these activities support the illegal South African presence there;

—consulting with Governments of Member States to determine ways of increasing pressure for a South African withdrawal;

—representing Namibian interests in international organizations and conferences;

—promoting publicity on Namibia; and

—raising funds for and administering the United Nations Fund for Namibia.

Through the United Nations Fund for Namibia, programmes for the education and training of Namibians are being conducted in a number of African and other countries.

In 1976, the Council established an Institute for Namibia which is operating from Lusaka, Zambia, until South Africa's illegal occupation of Namibia is terminated. The principal objective of the Institute is to provide training and education for Namibians who will form the civil service cadres and become the administrators of various government departments and public services in an independent Namibia, and to provide a planning centre for the future government of Namibia.

The 31-member Council for Namibia normally meets at United Nations Headquarters in New York, but may meet elsewhere in extraordinary plenary meetings.

In recent years, missions of the Council have been dispatched to Africa, Asia, Europe and Latin America where Council members have conducted consultations with Governments in order to mobilize support for the termination of South Africa's illegal occupation of Namibia. The Council has held extraordinary plenary meetings in Africa in order to carry out extensive consultations with the front-line States and other African countries. At a meeting held in Lusaka in 1973, the Council adopted the Lusaka Declaration in which it declared its intention to intensify support for SWAPO in its legitimate armed struggle for Namibia's freedom and independence. At its second plenary meeting held in Lusaka, in 1978, the Council reviewed developments in Namibia and adopted another Declaration in preparation for the ninth special session of the General Assembly on the question of Namibia.

The Council also gives continued support to SWAPO as the sole and authentic liberation movement of Namibia.

Decree on Natural Resources. Conscious of its responsibility to protect the natural resources of Namibia and to ensure that those natural resources are not exploited to the detriment of Namibia, its people or its environmental assets, the Council for Namibia enacted, on 27 September 1974, a Decree for the Protection of the Natural Resources of Namibia.

The Decree is designed to protect the natural resources of Namibia from exploitation and plunder by any person, entity or corporation in the period before independence. It states emphatically that any person, entity or corporation which contravenes its stated purpose in respect of Namibia will be held liable in damages by the future Government of an independent Namibia.

United Nations Commissioner for Namibia. In 1967 the General Assembly decided to establish the post of United Nations Commissioner for Namibia to whom the Council for Namibia should entrust such executive and administrative tasks as it deems necessary. The Commissioner is appointed annually by the General Assembly.

SECURITY COUNCIL RESOLUTION 385 (1976)

ADOPTED UNANIMOUSLY ON 30 JANUARY 1976

The Security Council,

Having heard the statement of the President of the United Nations Council for Namibia,

Having considered the statement of Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling its resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

Strongly deploring the militarization of Namibia by the illegal occupation regime of South Africa,

1. *Condemns* the continued illegal occupation of the Territory of Namibia by South Africa;

2. *Condemns* the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

3. *Condemns* the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;

4. *Demands* that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;

5. *Further condemns* South Africa's failure to comply with the terms of Security Council resolution 366 (1974);

6. *Further condemns* all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;

7. *Declares* that, in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;

8. *Further declares* that, in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time, to be determined by the Security Council, for the purpose of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;

9. *Demands* that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;

10. *Reiterates its demand* that South Africa take the necessary steps to effect the withdrawal, in accordance with Security Council resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

11. *Demands again* that South Africa, pending the transfer of power provided for in paragraph 10 above:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

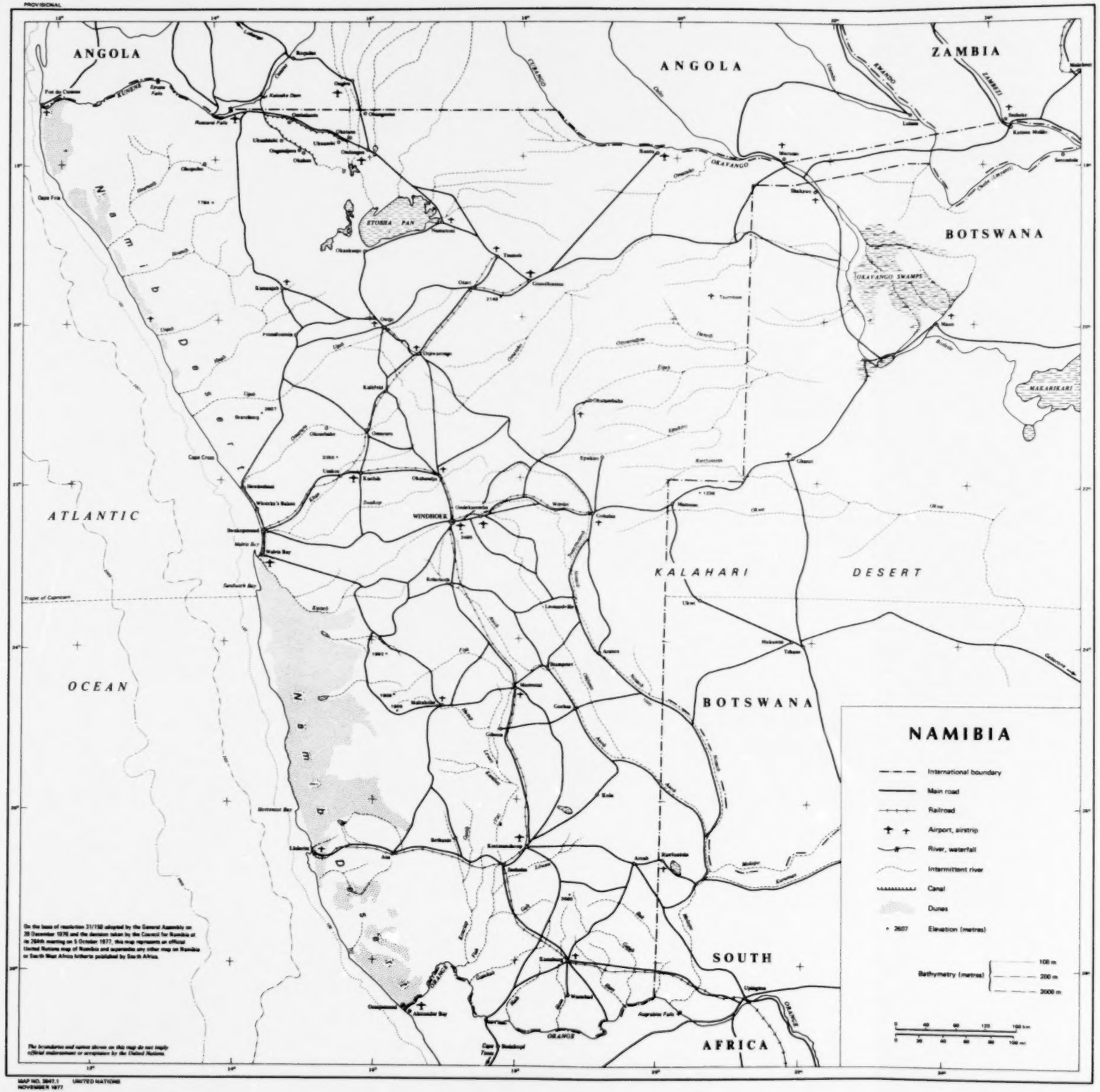
(b) Release all Namibian political prisoners, including all those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

12. *Decides* to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

PROVISIONAL



MAP NO. 3947.1 UNITED NATIONS
NOVEMBER 1977